THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No.3892 of 2005

Date of Decision: 25 -9 -2006

Ravinder Kumar **.....Appellant**

v.

Haryana State **.....Respondents**

CORAM: HON'BLE MR.JUSTICE P.S.PATWALIA

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Present: Mr.R.K.Jain, Advocate
for the appellant.

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P.S.PATWALIA, J. (Oral)

A reading of the judgment of the lower Appellate Court would show that earlier also the plaintiff had filed a writ petition in this Court seeking regularisation of his services with effect from 30.9.1988. However, that writ petition was ordered to be dismissed as withdrawn. No permission was sought to agitate the claim again. Thereafter the plaintiff filed a civil suit wherein he claimed various other reliefs but did not press the claim of regularisation from 1998 on the ground that he had already claimed that relief in the writ petition earlier filed by him. Thereafter the present suit was filed now seeking regularisation with effect from 1988. The suit was filed in April, 2004. The same has been dismissed on the ground of limitation as also being barred by the principle of res judicata and constructive res judicata as the plaintiff had already raised the issue in the earlier writ petition filed by him and thereafter not raised the same in the subsequent civil suit. I find no error in the view taken by the Courts

below.

Even otherwise it has been found that the plaintiff had adverse A.C.R. for the year 1998 where his integrity had been considered to be doubtful. It is therefore that he had not been considered for regularisation in 1998.

I find that no substantial question of law arises for consideration in this regular second appeal and the same is accordingly dismissed.

(P.S.PATWALIA)
JUDGE

September 25, 2006.

RC